

**COURT OF COMMON PLEAS OF MONROE COUNTY  
FORTY-THIRD JUDICIAL DISTRICT  
COMMONWEALTH OF PENNSYLVANIA**

Re: Adoption of Local Custody Rules §§1915.1, 1915.3, 1915.3-1, 1915.3-2, 1915.4-1, 1915.5, 1915.8, 1915.10, 1915.12, 1915.17, 1915.22 and Local Divorce Rules §§1920.12, 1920.43, 1920.51, 1920.54, 1920.55-2

**ORDER**

AND NOW, this 1st day of November, 2011, this Court having issued an Order on October 12, 2011 adopting new Monroe County Local Rules of Custody and Divorce in conformity with the adoption of Act 2010-112, effective January 22, 2011, amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statute, and the Court becoming aware that the Monroe County Local Rules of Custody and Divorce adopted by this Court pursuant to the October 12, 2011 Order include language of "visitation" no longer contained in Act 112, our Order of October 12, 2011 is hereby **VACATED**.

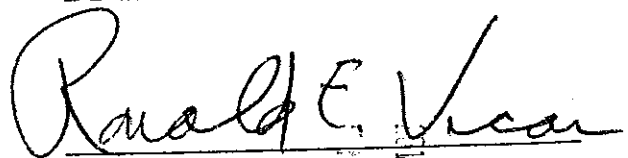
It is **ORDERED** that the Monroe County Rules of Civil Procedure in Custody and Divorce adopted June 27, 2001 and effective September 1, 2001, and any subsequent amendments thereafter, are hereby rescinded in their entirety, effective upon the adoption of new Local Rules of Court. Monroe County Rules of Civil Procedure §§1915.1, 1915.3, 1915.3-1, 1915.3-2, 1915.4-1, 1915.5, 1915.8, 1915.10, 1915.12, 1915.17, 1915.22, 1920.12, 1920.43, 1920.51, 1920.54, and 1920.55-2 are hereby adopted as indicated in the revised attachment hereto and shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. The Court Administrator is directed to:

This is to certify that this is a true and correct copy of: <u>ORDER</u>	
Certified From the Record this <u>1st</u> Day of <u>November</u>	A.D. 20 <u>11</u>
Court of Common Pleas of Monroe County Forty-Third Judicial District Commonwealth of Pennsylvania George J. Warden, Prothonotary	
By: <u>Paula K. Mallock</u> Paula K. Mallock, Deputy Prothonotary	

1. File one (1) certified copy of the within Order and new local rules with the Administrative Office of Pennsylvania Courts;
2. Forward two (2) certified copies and a computer diskette containing the text of the local rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;
3. File one (1) certified copy of the within Order and new local rules with the Domestic Relations Procedural Rules Committee of the Supreme Court of Pennsylvania;
4. Forward one (1) copy to the Monroe County Legal Reporter for publication.
5. Arrange to have the local rule changes published on the Monroe County Bar Association web site at [www.monroebar.org](http://www.monroebar.org).

Copies shall be kept continuously available for public inspection in the Office of the Monroe County Prothonotary, the Office of the Court Administrator and the Monroe County Law Library.

BY THE COURT:



RONALD E. VICAN, P. J.

PROTHONOTARY  
JAN 1 PM 2 44  
MONROE COUNTY, PA

## **Actions in Divorce**

### **1920.12. Filing and Service of Complaint. Costs**

1. With the filing of a complaint in divorce, the plaintiff shall deposit court costs with the Prothonotary in an amount set forth in the fee schedule adopted by the Court.

### **1920.43. Motions and Petitions**

1. Motions practice shall be in accordance with Local Rules, 208.2(c), 208.2(d), and 208.3(a).

2. Petitions practice shall be in accordance with Local Rule 206.1(a).

3. All divorce motions or petitions including a praecipe for a master's hearing shall be filed with the Prothonotary.

### **1920.51. Proceedings Before the Master**

1. Monroe County shall follow the master's hearing procedure set out at Pa.R.C.P. §1920.55-2.

2. Upon the compliance by both parties with the requirements of Pa.R.C.P. §§1920.31 and 1920.33(a) and the deposit of the required fee with the Prothonotary as set forth in the fee schedule adopted by the Court, either party may file a praecipe in the form set out in these Rules, requesting the appointment of a divorce master.

3. The Court Administrator shall assign the master for each case who shall promptly recommend the amount of any additional court costs to be posted by one or both of the parties. In the event additional hearings are necessary, the master shall file a request with the Court Administrator identifying the number of additional hearing days and the amount of additional court costs to be posted by the parties. No hearing date shall be scheduled prior to the payment of court costs.

4. Promptly upon appointment, the master shall issue a notice scheduling a pretrial conference and setting a deadline for the filing and service of pretrial statements in accordance with Pa.R.C.P. §1920.33(b). Counsel of record shall attend the pretrial conference; parties shall not attend but shall be available to consult with their counsel by telephone. The notice of the time and date of the pretrial conference and the deadline for the filing of pretrial statements shall be served by the master upon counsel of record, any unrepresented parties, and the Court. In the event that counsel for either party fails to attend the pretrial conference, or fails to file a pretrial statement, the master may recommend that the Court impose sanctions.

5. If a pretrial conference or any portion of a hearing day is held, the master shall receive a fee in the amount to be determined by the fee schedule adopted by the Court, payable from the court cost deposits. The master shall be compensated for any additional full or partial days of hearings.

6. The praecipe for master's hearing shall be in the form set out as follows:

Form- Praecipe for Master's Hearing in Divorce

COURT OF COMMON PLEAS OF MONROE COUNTY  
FORTY-THIRD JUDICIAL DISTRICT  
COMMONWEALTH OF PENNSYLVANIA

\_\_\_\_\_  
vs. \_\_\_\_\_  
: NO. \_\_\_\_\_ CIVIL 20\_\_\_\_  
: NO. \_\_\_\_\_ DR 20\_\_\_\_  
:  
:  
:

PRAECIPE FOR MASTER'S HEARING IN DIVORCE

TO THE PROTHONOTARY OF SAID COURT:

Kindly request the Court Administrator to schedule a Master's Hearing in the above divorce case.

- ( ) The case is now at issue.  
( ) Estimated time required for Hearing is \_\_\_\_\_ day(s).  
( ) Approximate value of marital assets is \$ \_\_\_\_\_.

This case to be tried by and notices sent to:

\_\_\_\_\_  
Attorney(s) for Plaintiff(s)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Attorney I.D. Number

\_\_\_\_\_  
Attorney(s) for Defendant(s)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Attorney I.D. Number

I hereby certify that the above entitled case is at issue and ready for Hearing; that discovery is complete or foreclosed; that I have completed all discovery and know of no discovery on the part of opposing counsel which will delay a hearing; that the moving party and witnesses are available and ready to proceed; that Inventories have been filed; that the attorneys of record are named above; and that an initial filing fee of \$750.00 has previously been paid; and that the per diem Hearing Fee and Costs Deposit, previously determined by the Court Administrator, has concurrently been deposited with the Court.

\_\_\_\_\_  
Dated

\_\_\_\_\_, Esquire  
Attorney for \_\_\_\_\_

#### **1920.54. Settlement Before Scheduled Hearing**

In the event that the parties settle all claims prior to hearing, the parties and counsel shall appear before the master and state the terms of their settlement on the record. Said appearance is waived if by the close of business on the day before the scheduled hearing the parties file with the Prothonotary and deliver to the master an executed divorce settlement agreement and affidavits of consent. Where parties settle on the record or by the filing of a written divorce settlement agreement, the master shall file a report and recommendation within thirty days of the scheduled hearing date.

#### **1920.55-2. Master's Report**

Following the conclusion of the final hearing, the master shall file the record and the report and recommendation within:

- a) twenty days in uncontested actions, or
- b) thirty days after the receipt by the master of the transcript in contested actions.

Counsel for the parties shall file briefs or memoranda of law within fifteen days after the filing of the transcript. The service of the master's report and recommendations and the filing of exceptions shall follow the procedures set out in Pa.R.C.P. §1920.55-2. The parties shall serve a copy of any exceptions they file upon the master, by regular mail or by personal service by a competent adult at the master's principal office.

Following the conclusion of the final hearing, the master shall file the record and the report and recommendation within:

- a) twenty days in uncontested actions, or
- b) thirty days after the receipt by the master of the transcript in contested actions.

Counsel for the parties shall file briefs or memoranda of law within fifteen days after the filing of the transcript. The service of the master's report and recommendations and the filing of exceptions shall follow the procedures set out in Pa.R.C.P. §1920.55-2. The parties shall serve a copy of any exceptions they file upon the master, by regular mail or by personal service by a competent adult at the master's principal office.